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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/751,391      | 01/02/2001  | Kee-hwan Lee         | Q62029              | 7508             |

7590 01/24/2007  
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Washington, DC 20037-3202

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| EXAMINER |
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HAQ, NAEEM U

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| ART UNIT | PAPER NUMBER |
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3625

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/24/2007 | PAPER         |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

|                               |                            |  |
|-------------------------------|----------------------------|--|
| Application No.<br>09/751,391 | Applicant(s)<br>LEE ET AL. |  |
| Examiner<br>Naeem Haq         | Art Unit<br>3625           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Amendment*

This action is in response to the Applicants' amendment filed on November 1, 2006. Claims 1-20 and 22-42 are pending and will be considered for examination.

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-20 and 22-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel (US 6,594,640 B1) in view of Brizendine et al. (US 6,484,147 B1) ("Brizendine") and further in view of Millard et al. (US 2002/0007335 A1) ("Millard").**

Referring to claims 1-5, 8-13, 16, 17, and 28-42, Postrel teaches a method and apparatus for exchanging trading points through a transaction processor connected to a telecommunications network comprising:

- receiving a request at the transaction processor to trade trading points awarded to a first customer from a member shop (column 6, lines 13-52);
- carrying out a transaction at the transaction processor corresponding to the request to trade trading points with at least one other customer (column 1, lines 22-26, column 5, lines 61-67);

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- wherein the trading points are airline mileage points (column 1, lines 14-26; column 6, lines 38-40);
- calculating a balance of the customer's remaining trading points after the customer uses the trading points to purchase a good or service (column 7, lines 31-33);
- collecting information regarding a customer's trading points portfolio from member shops through the network and storing the information in a customer database connected to the network (column 6, lines 30-33; Figure 4);
- changing the customer's trading points into a cash equivalent and processing the customer's trading points according to the resulting cash equivalent (column 6, lines 38-52);
- a customer and transaction database for storing information on the points trade request sent from the customer and a result of processing transactions (Figure 5, Item "54");
- a shopping mall management unit for processing cyber shopping, and providing trading points in proportion to a good purchased and a service for buying goods with the trading points (column 1, line 14 - column 3, line 55, Figure 1 ).

Postrel does not explicitly teach that the transaction processor purchases the trading points from a first customer at a first exchange rate and sells the trading points to one other customer at a second exchange rate, or that the request to exchange points is for

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trading points awarded with at least one other customer from a second member shop.

However, Postrel teaches that his invention allows users to purchase points traded in by

other users (column 1, lines 22-26). Postrel also teaches that his invention allows

issuers of points to repurchase points at a "substantial discount" using a trading strategy

(column 5, lines 61-67; column 9, lines 52-54). Furthermore, Brizendine teaches a

method for transferring trading points (col. 5, line 59 – col. 6, line 19) awarded to one

customer from a first member shop to another customer from a second member shop

(col. 3, lines 24-35; Figure 1, "120", "130"; Figure 3, "330", "331"; col. 11, lines 13-35).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to incorporate the teachings of Brizendine into the invention of

Postrel. One of ordinary skill in the art would have been motivated to do so in order to

allow a plurality of users to transfer trading points between each other, as taught by

Brizendine. The cited prior art does not teach calculating the difference between the

first and second exchange rates as a transaction commission. However, Millard

teaches a system and method for exchanging securities wherein revenue (i.e.

commission) is based on the difference between bid and ask prices (i.e. first and

second exchange rates) (paragraph [0058]). Therefore it would have been obvious to

one of ordinary skill in the art, at the time the invention was made, to incorporate the

teaching of Millard into the invention of the cited prior art. One of ordinary skill in the art

would have been motivated to do so in order to allow the system operator of the trading

server in the prior art to generate revenue from the trade as taught by Millard.

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Referring to claims 6, 7, 14, 15, and 18-27, Postrel teaches a method and apparatus for exchanging trading points through a transaction processor connected to a telecommunications network comprising:

- receiving a request at the transaction processor to trade trading points awarded to a first customer from a member shop (column 6, lines 13-52);
- carrying out a transaction at the transaction processor corresponding to the request to trade trading points with at least one other customer (column 1, lines 22-26, column 5, lines 61-67);
- wherein the trading points are airline mileage points (column 1, lines 14-26; column 6, lines 38-40);
- calculating a balance of the customer's remaining trading points after the customer uses the trading points to purchase a good or service (column 7, lines 31-33);
- collecting information regarding a customer's trading points portfolio from member shops through the network and storing the information in a customer database connected to the network (column 6, lines 30-33; Figure 4);
- changing the customer's trading points into a cash equivalent and processing the customer's trading points according to the resulting cash equivalent (column 6, lines 38-52).

Postrel does not explicitly teach that the transaction processor purchases the trading points from a first customer at a first exchange rate and sells the trading points to one

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other customer at a second exchange rate. However, Postrel teaches that his invention allows users to purchase points traded in by other users (column 1, lines 22-26).

Postrel also teaches that his invention allows issuers of points to repurchase points at a "substantial discount" using a trading strategy (column 5, lines 61-67; column 9, lines 52-54). Furthermore, Brizendine teaches a method for transferring trading points (col. 5, line 59 – col. 6, line 19) awarded to one customer from a first member shop to another customer from a second member shop (col. 3, lines 24-35; Figure 1, "120", "130"; Figure 3, "330", "331"; col. 11, lines 13-35). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Brizendine into the invention of Postrel. One of ordinary skill in the art would have been motivated to do so in order to allow a plurality of users to transfer trading points between each other, as taught by Brizendine. The cited prior art does not teach calculating the difference between the first and second exchange rates as a transaction commission. However, Millard teaches a system and method for exchanging securities wherein revenue (i.e. commission) is based on the difference between bid and ask prices (i.e. first and second exchange rates) (paragraph [0058]). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teaching of Millard into the invention of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow the system operator of the trading server in prior art to generate revenue from the trade as taught by Millard. The cited prior art do not teach updating a customer database and a transaction database according to a result from the trading points

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transaction, and sending the result to the corresponding member shop. However, Postrel teaches that a reward server (i.e. member shop) decreases a user's reward points after it receives communication from the trading server (column 6, lines 25-38). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the step of updating the database and sending the result to the corresponding member shop. One of ordinary skill in the art would have been motivated to do so in order to create a record of the transaction and to notify the member shop of the transaction so that it could update its database. This would serve as a "paper trail" to document the transaction in the event that a dispute occurred at a later time.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Naeem Haq**, Primary Examiner  
Art Unit 3625

January 16, 2007